

To: Alexis Strauss/R9/USEPA/US@EPA[]
From: "The Bay Institute"
Sent: Thur 5/5/2011 11:24:00 PM
Subject: National Review Validates The Bay Institute's Concerns About BDCP
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WE HATE TO SAY I TOLD YOU SO, BUT...
National Research Council Panel Harshly Criticizes Draft BDCP

A panel of scientists convened by the National Research Council (NRC) of the National Academy of Sciences today released their review of the draft Bay-Delta Conservation Plan (BDCP), identifying numerous critical flaws and gaps and validating years of similar criticisms by The Bay Institute.

The report, A Review Of The Use Of Science And Adaptive Management In California's Draft Bay-Delta Conservation Plan, finds fault with the BDCP on several fronts:

- for rushing to a preferred alternative – an isolated conveyance around the Delta – before evaluating different approaches to determine how well they achieve preferred outcomes;
- for failing to incorporate the best available scientific information about the Delta ecosystem;
- for ignoring the freshwater flow needs of the Delta ecosystem and San Francisco Bay and omitting any consideration of water conservation as part of the plan;
- for lacking a clear overarching strategy or clear goals and objectives.

The BDCP is intended to eventually serve as the basis for a long-term (i.e., 50 year) permit under the federal Endangered Species Act (ESA) and the California Natural Communities Conservation Planning Act (NCCPA) for the operation of the massive federal and state water projects that export water from the Delta for delivery to San Joaquin Valley agribusinesses and Southern California cities. In theory, the BDCP is intended to achieve the co-equal goals of supporting the recovery and restoration of endangered Delta species like Chinook salmon, steelhead, sturgeon, and Delta smelt and increasing the reliability of export water supplies. But stakeholders, including The Bay Institute (which has participated in the process since 2007), have long been concerned that the BDCP was failing to build a sound scientific foundation or to address key issues like ecosystem flow needs or how water conservation and other measures could reduce export demand from the Delta.

“The NRC’s review validates everything we have been saying for the past four years”, said Gary Bobker, Program Director at The Bay Institute. “The Delta desperately needs a comprehensive ecosystem and water supply solution, but so far BDCP has approached the problem in reverse, starting out with what export water users were willing to pay for and then seeking a justification for those initial decisions that would allow even more water to be exported from the Delta. The people of California, and our native species, deserve better than this. Hopefully the NRC review will help get BDCP back on the right track.”

The NRC was asked to review the November 2010 draft BDCP documents to determine how well the process integrates the best available science, as required by the ESA and the NCCPA, and develops a management structure that will adapt to new scientific findings and understanding of the ecosystem over the 50-year life of the project. The independent scientists assembled by the NRC found that the BDCP fell well short of an objective analysis of likely impacts of the Plan, stating that the draft Plan:

“... creates the impression that the entire effort is little more than a post-hoc rationalization of a previously selected group of facilities, including an isolated [water] conveyance facility, and other measures for achieving goals and objectives that are not clearly specified.” (page 43)

“There is a right way to use science, and the NRC review shows that BDCP’s approach is the wrong way”, said The Bay Institute’s Conservation Biologist, Dr. Jonathan Rosenfield. “We can do much better than this for California’s fisheries, fishermen, and farmers. There is a wealth of information available on what the problems in the Delta are, how to solve them, and what the tradeoffs are.”

The NRC report also found that the BDCP had so far failed to develop a plan that would reduce uncertainties associated with one of the largest ecosystem restoration projects ever attempted. Although BDCP relies heavily on “adaptive management”, a process through which managers learn about the effects of early restoration activities and modify their activities going forward based on what they have learned, the NRC found that the actual plan for adaptive management was still largely undescribed.

“So far, the ‘adaptive management’ plan has been to figure out how all this works after the state and federal water users get a 50-year permit to construct and operate a multi-billion dollar new water export facility”, said Mr. Bobker.

The NRC report can be downloaded at www.nap.edu.

The Bay Institute protects, restores and inspires conservation of San Francisco Bay and its watershed, from the Sierra to the sea.

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